

**U.S. DISTRICT COURT**  
**NORTHERN DISTRICT OF TEXAS**  
**FILED**

**OCT - 6 2003**

**CLERK, U.S. DISTRICT COURT**

By \_\_\_\_\_  
Deputy



















**VS.**

**ROBERT N. GOLDSTEIN'S**  
**MOTION FOR PARTIAL SUMMARY JUDGMENT**

## I. Summary

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**II.  
Undisputed Facts**

The undisputed facts related to this motion are:

- 2.01 Robert N. Goldstein is the author of the original program concept for a television series entitled, "Cheaters", which copyright was duly registered with the U.S. Copyright Office under registration number TXu 770-121, dated December 26, 1996. (Appendix, Tabs 1 and 2)
- 2.02 Between August, 1998, and the present, Robert N. Goldstein has authored and produced thirteen (13) one-half hour videos for television and sixty-eight (68) one-hour videos for television, each entitled "Cheaters", each duly and timely flopped with the copyright reservation in Goldstein's name before publication and each duly and timely filed for registration with the U.S. Copyright Office before publication. (Appendix, Tab 1).
- 2.03 Of those that have been filed for registration, sixty-one (61) television videos have been registered and returned under registration numbers PA-986-280, PA-988-082, PA-988-083, PA-988-084, PA-988-085, PA-988-086, PA-988-087, PA-988-088, PA-988-089, PA-988-090, PA-988-091, PA-988-092, PA-988-093, PA-988-094, PA-1-009-429, PA-1-012-363, PA-1-012-364, PA-1-012-365, PA-1-012-430, PA-1-012-431, PA-1-026-529, PA-1-026-530, PA-1-026-531, PA-1-026-532, PA-1-026-533, PA-1-026-534, PA-1-127-531, PA-1-127-548, PA-1-128-755, PA-1-130-760, PA-1-130-078, PA-1-130-080, PA-1-130-081, PA-1-130-084, PA-1-130-085, PA-1-130-087, PA-1-130-088, PA-1-130-089, PA-1-130-090, PA-1-130-091, PA-1-130-092, PA-1-130-093, PA-1-130-095, PA-1-130-096, PA-1-130-097, PA-1-130-098, PA-1-130-099, PA-1-130-179, PA-1-130-182,

PA-1-130-183, PA-1-130-186, PA-1-130-343, PA-1-130-344, PA-1-130-345, PA-1-130-346, PA-1-130-347, PA-1-130-348, PAu2-721-158, PAu2-721-159. (Appendix, Tab 3 ).

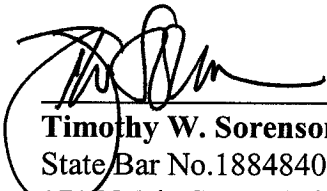
- 2.03 Each of the television videos has been published by televising same to the general public on broadcast television.(Appendix, Tab 1)
- 2.04 Robert N. Goldstein is the sole and exclusive owner of the federally registered service mark, “Cheaters”. (Appendix, Tab 4)
- 2.05 Defendant has claimed a proprietary interest adverse to mine in and to the copyrights to the original program concept for a television series entitled, “Cheaters” and to the videos for television authored and produced by Goldstein. (Appendix, Tabs 5 and 6)
- 2.06 Defendant was the host of some, but not all, of the television shows, and with respect to each in which he was the host, Defendant signed a written “work for hire” agreement. Appendix, Tab 7
- 2.07 Defendant has acknowledged in writing that Robert N. Goldstein is the exclusive owner of the copyright to “Cheaters”. (Appendix, Tab 8).

### **III. Applicable Law**

The applicable law is set forth in the brief accompanying this motion.

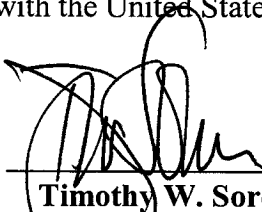
WHEREFORE, Plaintiff, Robert N. Goldstein, prays the Court grant summary judgment declaring that Robert N. Goldstein is the sole and exclusive owner of the copyrights and trademark asserted herein and that Defendant, Tommy Habeeb owns no interest thereto.

Respectfully submitted:

  
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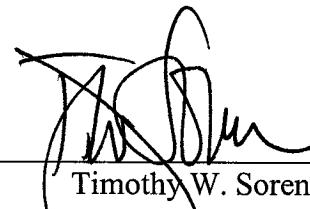
**CERTIFICATE OF SERVICE**

I CERTIFY that in compliance with the provisions of Rule 5 of the Federal Rules of Civil Procedure on this 6th day of October, 2003, I caused a true and correct copy of the foregoing motion to be delivered to Andrew Bergman, counsel for Tommy Habeeb, by first class mail, properly addressed, in a postpaid envelope deposited with the United States Postal Service.

  
\_\_\_\_\_  
**Timothy W. Sorenson**

**CERTIFICATE OF CONFERENCE**

No conference is required by local rule.

  
\_\_\_\_\_  
Timothy W. Sorenson